

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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UNITED STATES OF AMERICA,

-v-

LAWRENCE RAY,

Defendant.

20-cr-110 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:


At oral argument on January 6, 2022, the Court ordered a *Daubert* hearing for one of the defense's proffered expert witnesses, Dr. Joseph Pierre, on January 19, 2022. Defense counsel has requested that the hearing be held remotely on the bases that (1) Dr. Pierre is located in California and the current number of COVID-19 cases raises concern regarding travel; (2) Dr. Pierre works in a hospital that is short-staffed as a result of the current number of COVID-19 cases and that travel across the continent would take him away from work for an inordinate period of time and cause hardship to third parties; and (3) there is a risk that Mr. Ray, who is currently incarcerated in the Metropolitan Detention Center will be unable to attend the hearing in person if the unit in which he is housed becomes subject to a quarantine order. The government has objected to a remote hearing, referencing the difficulties in conducting examinations with documents remotely and the general desirability for in-court proceedings where credibility is an issue.

In the exercise of its discretion and with the consent (and at the request) of the defendant, it is hereby ORDERED that the *Daubert* hearing scheduled for January 19, 2022 will proceed remotely by Zoomgov video conference. It will take place at 9 a.m. EST. The Court acknowledges that the hearing is set for the early morning—6 a.m. PST—for the California-based Dr. Pierre, but due to scheduling, this is the only available time to conduct a remote hearing on January 19th. The parties will be provided with log-in information prior to the hearing. The defense is ordered to meet and confer with the government to ensure that the government will be able seamlessly to present documents for the witness to view remotely (without the government having to show the defense in advance the particular documents it intends to use in its examination). In addition, the defense is ordered to conduct a dress rehearsal with Dr. Pierre at least two days prior to the hearing to ensure that Dr. Pierre is able to participate remotely via zoom and that there are no technical issues to proceeding in this manner. The defense is to inform the Court at least one day prior to the hearing of any technical issues. The

public may access the hearing through the Court's audio-only teleconference line by dialing 888-251-2909, using access code 2123101, and following the prompts.

SO ORDERED.

Dated: January 11, 2022
New York, New York



LEWIS J. LIMAN
United States District Judge